

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PERCY EDWARD MOORE,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

ORDER

06-cv-697-bbc

On August 22, 2008, I allowed plaintiff leave to proceed in forma pauperis on his claim under the Freedom of Information Act. 5 U.S.C. § 552(a)(4)(B). Defendant Federal Bureau of Investigation answered the plaintiff's complaint on September 26, 2008. A pretrial conference was held before Magistrate Judge Crocker on October 10, 2008.

Now before the court is plaintiff's pleading entitled "Reply," in which he replies to factual statements made in the answer. It is not necessary for plaintiff to respond to defendant's answer. Indeed, Fed. R. Civ. P. 7(a) forbids a plaintiff to submit a reply to an answer unless the court directs a reply to be filed. No such order has been made in this case. Plaintiff should be aware, however, that he is not prejudiced by Rule 7(a). Fed. R. Civ. P. 8(d) provides that averments in pleadings to which a response is not allowed are assumed

to be denied. Therefore, although plaintiff is not permitted to respond to defendants' answer, the court assumes that he has denied the factual statements and affirmative defenses raised in that answer.

ORDER

IT IS ORDERED that plaintiff's reply to the answer will be placed in the court's file but will not be considered.

Entered this 24th day of October, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge